

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In re:

Joseph G. DuMouchelle and  
Melinda J. Adducci,

Debtors.

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Chapter 7

Case No. 19-54531-lsg

Hon. Lisa S. Gretchko

Thomas T. Ritter,

Plaintiff,

v.

Melinda J. Adducci,

Defendant.

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Adversary Pro. No. 20-04381

**STIPULATED ORDER SETTING SCHEDULE REGARDING PRIVILEGE  
ISSUES PERTAINING TO DISCOVERY OF ESI**

THIS MATTER came before the Court for a status conference on November 8, 2024 (“Status Conference”); counsel for Plaintiff and counsel for Defendant appeared at the Status Conference. On November 20, 2024, a stipulation (“Stipulation”; ECF No. 213) between Plaintiff and Defendant was filed, consenting to the form of this Order. The Court has reviewed the Stipulation and other pertinent pleadings, has considered the statements made at the Status Conference, and is advised in the premises.

NOW, THEREFORE, IT IS HEREBY ORDERED that **on or before November 22, 2024**, Defendant shall provide an updated privilege log as to ESI files to Plaintiff identifying:

- i. Files (including, but not limited to, communications that Defendant has asserted are subject to spousal privilege) divided into personal and business-related categories; and
- ii. Files (including, but not limited to, communications involving Ms. Adducci and attorneys Dennis Egan and/or Joel Harris) from Defendant's laptop that Defendant has asserted are subject to attorney-client privilege.

IT IS FURTHER ORDERED that **on or before December 13, 2024**, Plaintiff shall: (i) review the updated privilege log from Defendant as to ESI files and identify any items as to which Plaintiff disputes Defendant's claim of privilege, and (ii) provide Defendant with a list of disputed files (including reasons for each dispute).

IT IS FURTHER ORDERED that **on or before January 10, 2025**, Defendant shall: (i) review Plaintiff's objections to Defendant's privilege assertions as to ESI files, and (ii) provide a response to Plaintiff's objections, either agreeing to disclose disputed items or maintaining the privilege claims.

IT IS FURTHER ORDERED that, to the extent that there are any remaining disputes regarding Defendant's assertion of spousal privilege or attorney-client privilege regarding ESI files, Plaintiff and Defendant shall file briefs by **January 24, 2025**, addressing, if applicable:

- i. Whether spousal privilege applies to business-related files including, but not limited to, communications;
- ii. Whether attorney-client privilege was waived for files including, but not limited to, communications involving Dennis Egan and Joel Harris; and
- iii. Plaintiff's brief may also include objections to individual assertions of privilege regarding ESI files, supported by specific reasons.

Reply briefs from both parties must be filed by **February 7, 2025**. The Court will hold a hearing on any remaining privilege issues regarding production of ESI files on **February 24, 2025**, at **1:00 p.m.**

IT IS FURTHER ORDERED that, if there are no remaining disputes regarding spousal privilege or attorney-client privilege with respect to production of ESI files then, by **January 24, 2025**, Plaintiff and Defendant shall file a joint statement certifying there are no remaining privilege disputes relating to production of ESI files, and the Court will cancel the foregoing hearing.

IT IS FURTHER ORDERED that, following the Court's ruling on privilege issues regarding ESI files; (i) Defendant shall provide Plaintiff with any ESI files or documents ordered to be disclosed within 21 days of entry of the Court's further order, and (ii) the parties shall promptly confer regarding scheduling depositions and preparing for trial based on any new disclosures.

IT IS FURTHER ORDERED that the parties may, by mutual consent, agree to modify the November 22, 2024, December 13, 2024, and the January 10, 2025 deadlines set forth above in this Order; however, the parties may not modify any of the other deadlines in this Order without prior Court approval.

IT IS FURTHER ORDERED that if additional disputes arise or if additional extensions are needed, the parties shall promptly notify the Court by contacting Cheryl London at 313-234-0043.

**Signed on November 22, 2024**



**/s/ Lisa S. Gretchko**

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**Lisa S. Gretchko**  
**United States Bankruptcy Judge**